

FILED
COMMON PLEAS COURT
DARKE COUNTY, OHIO

2022 NOV -7 AM 8:59

CINDY PIKE
CLERK

**IN THE COMMON PLEAS COURT OF DARKE COUNTY, OHIO
CIVIL DIVISION**

Holly Shuttleworth
9166 St. Route 49
Ansonia, OH 45303

:

CASE NO.: 22CV00461

:

JUDGE: _____

Plaintiff,

Vs.

:

**COMPLAINT FOR PERSONAL
INJURY WITH JURY DEMAND
ENDORSED HEREIN**

Walmart, Inc d/b/a Walmart
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219
Defendant.

:

:

:

FIRST CLAIM FOR RELIEF

1. Defendant, Walmart, Inc. d/b/a Walmart (hereinafter "Defendant Walmart") owns and operates a Walmart retail and/or outlet store, located at 1501 Wagner Ave, Greenville, OH 45331.

2. Plaintiff was lawfully on the premises of Defendant Walmart on November 11, 2020 as a business invitee.

3. Plaintiff was browsing the garden/holiday section of Defendant Walmart's store at the time of the incident.

4. Plaintiff was shopping for various items.

5. Plaintiff was walking in the middle aisle of the garden/holiday section when suddenly, without warning, an object that appeared to be a small piece of concrete, forcibly struck Plaintiff on the top left head area.

6. Any structural defects in the ceiling, or objects from nearby skid loaders, were in no way obvious to the Plaintiff.

7. Defendant Walmart displayed no signs warning customers that the ceiling was poorly maintained, and was susceptible to falling debris.

8. Due to the poor maintenance of the ceiling, and from skid loaders nearby, a piece of concrete measuring at about 2" thick, fell down and struck Plaintiff on the top of the head, thereby causing personal injuries to Plaintiff.

9. Defendant Walmart has a duty to operate its public store in a reasonably safe manner, to inspect its public store in a manner designed to discover dangerous and hazardous conditions, and to provide a warning to the public regarding the existence of dangerous and hazardous conditions.

10. Defendant Walmart's employees and/or agents have a duty to complete work assigned to them in a reasonably safe manner and to exercise reasonable care when completing work so as to not cause injury to business invitees on its property.

11. At all relevant times herein, Defendant Walmart's employees and/or agents were acting within the course and scope of their employment and/or agency with Defendant Walmart, thereby holding Defendant Walmart vicariously liable for Plaintiff's injuries.

12. Defendant Walmart was negligent in the operation, maintenance, and care of its public store in that it failed to properly design, construct, or erect caution signs or otherwise warn the public generally, and Plaintiff, specifically, of hazardous conditions resulting from the flying object.

13. Defendant Walmart was negligent in that it failed to conduct any regular inspection of its public store, thereby failing to discover and remedy the defective condition which presented a hazard to the public, generally, and Plaintiff, specifically.

14. As the proximate result of the negligence of Defendant Walmart, Plaintiff sustained injuries and damages as follows:

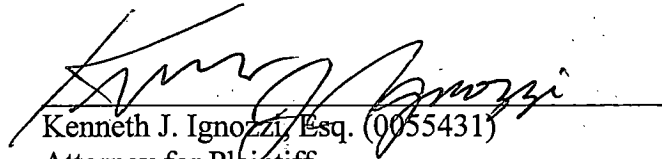
- a. Severe and permanent injuries, including minor closed head injuries, including concussion, headaches, visions problems;
- b. Great pain and suffering, both physical and emotional, and loss of ability to perform usual functions and the injuries will cause further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in excess of over \$18,598.56, as well as further medical expenses to be incurred in the future;
- d. Miscellaneous out of pocket expenses in an amount yet to be determined.

15. The aforesaid negligence of Defendant Walmart and/or its agents and/or employees was the direct and proximate cause of the injuries and damages to Plaintiff.

WHEREFORE, Plaintiff, Holly Shuttleworth, demands judgment against the Defendant, Walmart, Inc. d/b/a Walmart, in an amount in excess of \$25,000.00, along with the costs and interest of this action, plus any additional relief Plaintiff is or shall be entitled.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ



Kenneth J. Ignozzi, Esq. (0055431)

Attorney for Plaintiff

131 North Ludlow Street

Suite 1400

Dayton, Ohio 45402

Telephone: (937) 223-8888

Facsimile: (937) 824-8630

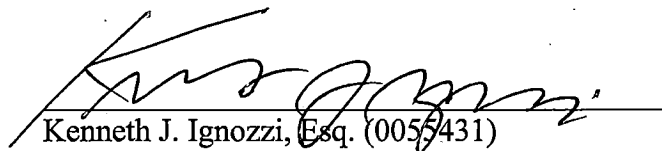
Email: kignozzi@dgmslaw.com

JURY DEMAND

Now comes Plaintiff, by and through counsel, and hereby demands a trial by jury on all issues of this matter.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ



Kenneth J. Ignozzi, Esq. (0055431)

Attorney for Plaintiff

131 North Ludlow Street

Suite 1400

Dayton, Ohio 45402

Telephone: (937) 223-8888

Facsimile: (937) 824-8630

Email: kignozzi@dgmslaw.com